

REMARKS

Applicant's patent application was reviewed in light of the Office Action that withdrew claims 1-13 and 18-20 from consideration and rejected claims 14-17 under 35 U.S.C. § 102(b) in view of Gross, et al. (US Patent 6,553,515 – "Gross"). In response, Applicant has canceled the claims withdrawn from consideration and respectfully disagrees with the rejection to claims 14-17.

Current Status of Claims:

With this amendment, claims 14 – 17 remain pending and claims 1-13 and 18-20 are canceled. New claims 21 - 25 were added as presented above. Support for these new claims can be found in the original application. No new matter has been introduced.

Claims 14-17 rejections under 35 U.S.C. § 102(b):

The portions of claim 14 relevant to Applicant's disagreement are:

“A telecommunication system having high availability comprising:
a media gateway... having a system management mode that
executes code *to monitor a state of the media gateway*;
a signaling gateway... having a system management mode
that executes code *to monitor a state of the signaling gateway*;
a gateway controller... having a system management mode
that executes code *to monitor a state of the gateway controller*; and
a high availability system”

Emphasis added.

Gross fails to describe the portions of claim 14 as cited above. Gross describes a Diagnostic Supervisor (DS), which receive Diagnostic Messages (DMs) from terminal endpoints (TEs), the DMs to include statistics “*concerning the IP network connections in which the TEs*

participate.” Column 1, lines 50-57. Emphasis added. Further, Gross describes the DS as responding to *connection statistics* to reroute *a voice, modem, facsimile, data, or video connection*. Column 2, lines 43-44 and column 16, lines 51-59.

But Applicant submits that Gross describes a DS that *only monitors connections* based on *connection statistics* received from TEs and *only takes actions* that result in a rerouting of the *connections in which the TEs participate*. Furthermore, Gross does not describe monitoring the states of the TEs but only describes monitoring the connections in which the TEs participate, e.g., voice, modem, facsimile, data or video connections. So Gross fails to describe the above cited portions of claim 14 that include a media gateway, a signaling gateway and a gateway controller *having a system management mode that executes code to monitor a state of* the media gateway, the signaling gateway and the gateway controller, respectively. Thus, Applicant requests withdrawal of the 35 U.S.C. § 102(b) rejection of claim 14.

Claims 15-17 depend from independent claim 14. Thus, Applicant also requests withdrawal of the 35 U.S.C. § 102(b) rejections of these dependant claims.

Conclusion

Applicant respectfully submits that claims 14-17 and 21-25 are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Respectfully submitted,
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Date: 9/23/05

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